

HEADQUARTERS
UNITED STATES EUROPEAN COMMAND
UNIT 30400
APO AE 09131

DIRECTIVE
NUMBER 56-25

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PLANS AND POLICY

Responsibilities Relating to the European Union (EU)

1. **Summary.** This directive delineates USEUCOM policy and procedures with respect to U.S. military interaction with European Union (EU), or EU-derived Host Nation (HN), directives, regulations or functions in USEUCOM's Area of Operations (AOR). Specifically, this directive establishes a reporting requirement for the components to notify USEUCOM of any EU or EU derived HN activities that may affect U.S. Forces in Europe as well as a committee structure, the EUCOM EU Oversight Contact Committee (hereinafter EU Oversight Contact Committee) to address any EU issues which could impact USEUCOM military operations and readiness.

2. **Applicability.**

a. This directive is a USEUCOM publication, which establishes policy, assigns responsibilities, prescribes procedures, and directs actions for USEUCOM activities, internal and external to the Headquarters, to include component commands.

b. The definitions, policies, and procedures set forth in this directive apply to:

(1) All elements of this command including HQ USEUCOM and the units, agencies, and activities assigned for its direct support; the component commands; Security Assistance Organizations (SAO); Offices of Defense Cooperation (ODC); Defense Cooperation in Armaments Offices (DCAO); and any joint task force established in the USEUCOM AOR.

(2) All other DoD agencies and U.S. military organizations requiring support in the USEUCOM AOR.

3. **Internal Control Systems.** This directive is not subject to requirements in ED 50-8, Internal Management Control Program.

4. **Suggested Improvement.** ECJ5 is the proponent for this directive. Suggested improvements should be sent to HQ USEUCOM, ATTN: ECJ5, UNIT 30400, APO AE 09131.

5. **References.** See Appendix A.

6. **Policy.** Since the foundation of the European Coal and Steel Community, to the recent European Union's "Treaty of Nice," the European nations in EUCOM's AOR have steadily moved towards closer integration (see references a and b at Appendix A). The U.S. government has

accordingly established mechanisms to monitor developments in, and facilitate cooperation with the EU, such as the United States European Union mission in Brussels. As the combatant command responsible for translating our National Security Strategy into EUCOM mission and objectives, this USEUCOM directive sets forth the procedures to enhance our ability to provide input, respond, and react to, proposed EU actions having an impact on our operational readiness. IAW USCINCEUR's statutory responsibilities in reference c, at Appendix A, this directive, by establishing a framework within EUCOM that can anticipate and promptly respond to EU or EU-derived actions, will help ensure that the U.S. forces receive appropriate authoritative direction, coordination and approval with regard to EUCOM activities. This will help in maintaining ready forces to conduct the full spectrum of military operations, unilaterally or in concert with coalition partners. Anticipating and responding to EU or EU-derived actions will also enhance and preserve transatlantic security, promote regional security, and advance U.S. interests in Europe. Successful engagement by EUCOM with the EU includes, but is not limited to:

- a. Providing, as directed, pertinent and relevant information to EU or HN officials to familiarize them with the potential impact of EU or EU-derived HN actions on EUCOM forces.
- b. Coordinating EU issues pursuant to this directive and working with the U.S. Mission to the EU to ensure EUCOM's interests are considered when the EU drafts EU directives or other legislation.
- c. Engaging EU/NATO/HN decision makers at the CINCEUCOM/SACEUR, DCINCEUCOM, EUCOM COS other EUCOM leadership, or component command levels when appropriate to express our concerns regarding EU actions.
- d. Seeking out, when appropriate, exemptions to EU legislation.

7. Responsibilities in General.

- a. Component commanders shall:

- (1) Ensure compliance with this directive. This directive is the primary directive regarding EU issues for use in the USEUCOM AOR.

- (2) Establish procedures to ensure component compliance with this Directive, including:

- (a) The spot reporting of EU and EU-derived actions implicating or affecting U.S. forces in EUCOM's AOR within seven working days. See Appendix B.

- (b) Ensuring the relevant component organizations are represented on the EU Oversight Contact Committee as requested to provide input on EU issues.

- (c) If the component is so tasked by the EU Oversight Contact Committee, ensure resolution of EU-generated issues. Any disputes over the appropriateness of a tasking, if not resolved with the EU Oversight Contact Committee, will be resolved by the EUCOM COS.

(3) Ensure subordinate commanders are informed of the policies and procedures established by this directive.

b. Within HQ USEUCOM:

(1) The EUCOM COS is the approving official for proposed Courses of Action (COAs) with regard to EU issues arising in the AOR when initial EU Oversight Contact Committee taskings fail to resolve an EU issue. As such, the EUCOM COS will:

(a) Serve as the approving official for EU Oversight Contact Committee recommendations regarding the COAs when initial attempts fail to resolve an EU-generated issue.

(b) Assign taskings to component organizations or HQ USEUCOM staff functions should there be a dispute regarding the appropriate OPR to resolve the EU-generated issue.

(c) Ensure compliance with this directive.

(2) ECJ5 is designated the primary staff element responsible for EU policy matters. As such ECJ5 shall:

(a) Ensure that a desk officer is designated for EU activities who will serve as a co-chair for the EU Oversight Contact Committee and provide input when required with regard to the proper organization or component to resolve EU issues.

(b) Monitor compliance with this directive.

(c) Be copied on EU Spot reports.

(d) Establish and co-chair the EU Oversight Contact Committee.

(e) Forward to the EUCOM COS for approval the EU Oversight Contact Committee recommendation regarding the appropriate organization or component for EU issue resolution when initial attempts fail to resolve a EU-generated issue.

(3) ECJA is designated office of supporting responsibility for EU matters. As such ECJA shall:

(a) Provide EUCOM leadership with legal advice on all EU matters.

(b) Provide the ECJ5 EU desk officer with EU legal advice.

(c) Monitor compliance with this directive.

(d) Be the primary recipient of all EU Spot reports for legal analysis and forward relevant EU spot reports to the EU Oversight Contact Committee for resolution.

(e) Co-chair the EU Oversight Contact Committee and provide input with regard to the proper organization to resolve EU issues.

(4) Other HQ EUCOM Organizations:

(a) Nominate appropriate representatives to serve on the EU Oversight Contact Committee as requested to provide input on EU issues.

(b) If so tasked by the EU Oversight Contact Committee, resolve EU-generated issues. Any disputes over the appropriateness of a tasking, if not resolved with the EU Oversight Contact Committee, will be resolved by the EUCOM COS.

8. **Process Overview.** The concept of the EUCOM EU Oversight Contact Committee process is shown in Appendix C.

FOR THE COMMANDER IN CHIEF:

OFFICIAL:

DANIEL J. PETROSKY
Lieutenant General, U.S. Army
Chief of Staff

AVA N. WEBB-SHARPLESS
Lt Col, USAF
Adjutant General

APPENDIXES

A - References

B - Spot Report Format

C - EUCOM EU Oversight Committee Process Overview

APPENDIX A

References

a. Treaty Establishing the European Coal and Steel Community (signed in Paris on 18 April 1951) (scheduled to expire on 23 July 2002).

b. Treaty of Nice (11 December 2001). The Treaty will only enter into force when it has been ratified by all parliaments. Other EU treaties include:

- The **Treaty establishing the European Economic Community (EEC)**.
- The **Treaty establishing the European Atomic Energy Community (Euratom)**, which was signed (along with the EEC Treaty) in Rome on 25 March 1957, and entered into force on 1 January 1958. These Treaties are often referred to as the "Treaties of Rome." When the term "Treaty of Rome" is used, only the EEC Treaty is meant.
- The **Treaty on European Union**, which was signed in Maastricht on 7 February 1992, and entered into force on 1 November 1993, created the political Union amongst the Member States and brought about considerable changes to the existing Treaties. The treaty created the European Union, a concept comprising the European Communities (which had also been amended to the term European Community on the same occasion), as well as other forms of cooperation.

Moreover, the founding treaties have been amended on several occasions, in particular when new Member States acceded in 1973 (Denmark, Ireland, United Kingdom), 1981 (Greece), 1986 (Spain, Portugal) and 1995 (Austria, Finland, Sweden). There have also been more far-reaching reforms bringing major institutional changes and introducing new areas of responsibility for the European institutions:

- The **Merger Treaty**, signed in Brussels on 8 April 1965 and in force since 1 July 1967, provided for a single commission and a single council of the then three European Communities.
- The **Single European Act (SEA)**, signed in Luxembourg and the Hague, and entered into force on 1 July 1987, provided for the adaptations required for the achievement of the Internal Market.
- The **Treaty of Amsterdam**, signed on 2 October 1997, entered into force on 1 May 1999 it amended and renumbered the EU and EC Treaties. Consolidated versions of the EU and EC Treaties are attached to it. The Treaty of Amsterdam changed the articles of the Treaty on European Union, identified by letters A to S, into numerical form.

c. 10 USC 164 (2001).

APPENDIX B

Spot Report Format

SUBJECT: Reporting European Union Activities Affecting U.S. Forces

1. This memorandum complies with the USEUCOM reporting requirement to notify USEUCOM of any European Union (EU) or Host Nation (HN) EU-derived activities that may affect U.S. Forces in Europe within seven working days.
2. The required information is summarized below.
 - a. **Reporting Component or Unit:** Identify the organization and component reporting the activity.
 - b. **Type or Category of EU Activity:** Identify the general category of EU activity, e.g., Labor, Tax, Environmental, Criminal Law.
 - c. **Host National (HN) or EU organization:** Identify the HN or EU organization that requested or implemented the change to current unit or component procedures.
 - d. **Method of contact:** Describe how reporting component or unit became aware of the change.
 - e. **EU legislation (if known):** Provide citation for the EU legislation/directive if known.
 - f. **HN law (if known):** Cite HN law that incorporates EU legislation and its effective date.
 - g. **HN's stated motivation or reason for contact:** Provide HN's stated reason for contact or component's best guess regarding the motivation or reason.
 - h. **Other (if desired):**
 - (1) **Potential impact on component/unit activities:** Describe possible impact on component or unit's activities.
 - (2) **Proposed solution:** Identify any proposed solution, and with whom the solution has been coordinated.
 - (3) **Discussion:** Detail any rationale/arguments that can be made to reach a compromise with HN on the issue reported and any other information thought to be noteworthy.
2. If submitted more than 48 hours after EU or HN contact with a component or subsidiary unit, give reason for delay.

APPENDIX C**EUCOM EU Oversight Contact Committee Process Overview**

The EUCOM EU Oversight Contact Committee Process Overview is shown in the chart below. The following narrative will walk through the steps indicated on the flowchart and provide detail for each step:

